

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:

ARACELIS FIGUEROA PARIS

DEBTOR(S)

CASE NUMBER: 09-07828 SEK

CHAPTER 13 (ASSET CASE)

DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. Plan fell short after confirmation.

3. Debtor (s) amend plan call for twenty (20) payments of \$400.00, forty (40) payments of \$600.00 and a Lump Sum Payment of \$15,000.00 within 24 months for a total base of \$47,000.00 dollars.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules.

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

NOTICE

"Parties in interest are notified the have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter and order granting the motion upon the filing of a certificated of service by the movant that adequate notice was given. Should and apposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 6th day of July, 2010.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Jose R. Carrion, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
MARILYN VALDES ORTEGA
USDC PR 214711
P.O. Box 195596
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United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 09-07828 SEK

FIGUEROA PARIS, ARACELIS

Chapter 13

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____ <input checked="" type="checkbox"/> AMENDED PLAN DATED: <u>6/30/2010</u> <input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
I. PAYMENT PLAN SCHEDULE \$ <u>400.00</u> x <u>20</u> = \$ <u>8,000</u> \$ _____ x _____ = \$ _____ \$ <u>600.00</u> x <u>40</u> = \$ <u>24,000</u> \$ _____ x _____ = \$ _____ \$ _____ x _____ = \$ _____ TOTAL: \$ <u>32,000</u> Additional Payments: \$ <u>15,000.00</u> be paid as a LUMP SUM within <u>24</u> months with proceeds to come from: <input checked="" type="checkbox"/> Sale of Property identified as follows: <input checked="" type="checkbox"/> Other: PROPERTY REFINANCING Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____ PROPOSED BASE: \$ <u>47,000.00</u> III. ATTORNEY'S FEES (Treated as § 507 Priorities) Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,700.00</u>	II. DISBURSEMENT SCHEDULE A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. <u>DORAL FINANCIAL</u> (Cr. _____ Cr. _____ # <u>5870</u> # _____ # _____ \$ _____ 6,340.00 \$ _____ \$ _____ 2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. <u>BBVA BANCO</u> Cr. <u>MUEBLERIAS BERR</u> Cr. _____ # <u>2008</u> # <u>0104</u> # _____ \$ _____ 7,008.00 \$ _____ 2,530.25 \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input checked="" type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: <u>AEELA</u> <u>COOP A/C DEPARTA</u> 5. <input type="checkbox"/> Other: 6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: <u>DORAL FINANCIAL</u> C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. Unsecured Claims otherwise receive PRO-RATA disbursements. OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR. ADEQUATE PROTECTION PAYMENT TO BBVA ACCOUNT ENDING NUMBER 2008 UNTIL CONFIRMATION \$200.00 TO BE PAID BY TRUSTEE MONTHLY. INSURANCE TO BBVA ACCOUNT ENDING NUMBER 2008 THROUGH TRIPLE S AT THE END OF SALES CONTRACT IN THE APPROXIMATE AMOUNT OF \$1,000.00 DISBURSEMENT TO TRIPLE S INSURANCE TO BEGIN AT END OF THE SALES CONTRACT ON OCTOBER 2009 PLAN 100% PLUS 6% INTEREST PER ANUM
Signed: _____ Debtor _____ Joint Debtor Attorney for Debtor <u>Marlyn Valdes Ortega Law Offices</u> Phone: (787) 758-4400	

Label Matrix for local noticing
0104-3
Case 09-07828-SBK13
District of Puerto Rico
Old San Juan
Tue Jul 6 15:38:33 AST 2010

EASTERN AMERICA INSURANCE COMPANY
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AEBLA
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PO BOX 9020192
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Department of Treasury
Bankruptcy Section (424-B)
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AAA
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SAN JUAN, PR 00936-8101

BBVA BANCO
PO BOX 364745
SAN JUAN, PR 00936-4745

DEPARTAMENTO DE HACIENDA
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OFICINA 424 B
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PROCESSING CENTER
DES MOINES, IA 50364-0500

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PR TELEPHONE CO
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RECOVERY MANAGEMENT SYSTEMS CORP
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For Capital Recovery II LLC
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Recovery Management Systems Corporation
For Capital Recovery II LLC
As Assignee of Wal-Mart
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SEATTLE, WA 98111-2001

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VALDES-ORTEGA
P O BOX 195596
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MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

INTERNAL REVENUE SERVICE
MERCANTIL PLAZA BLDG, ROOM 1014
2 PONCE DE LEON AVE. STOP 27 1/2
SAN JUAN, PR 00918-1693

PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 12914
NORFOLK, VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) FIGUEROA PARIS, ARACELIS

End of Label Matrix	
Mailable recipients	41
Bypassed recipients	1
Total	42